



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,435	11/30/2001	Hans Burger	10537/185A	9723

26646 7590 01/28/2003

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

WILLIAMS, ERIC M

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/000,435

Applicant(s)

BURGER HANS

Examiner

Eric M Williams

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3681

DETAILED ACTION

1. This action is in response to the application filed 11-30-2001 for serial number 10/000,435.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *roller bearing pair* (claim 3), the *X arrangement* (claims 3 and 7), and the *second angular roller bearing* (claim 7) of the bearings must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3681

5. Claims 3-5, 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The location and orientation of the roller bearing pair, the second angular roller bearing, and X-arrangement is unclear.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by T.H. Kummich et al. ('020).

Kummich (Fig. 1) discloses a roller bearing outer race (on 9), an arrangement configured for form fitting torque transmission to a housing (22,21,11), and a gearing (13), engageable with a corresponding gearing (not shown).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3681

9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kummich et al. ('020).

Kummich (Fig. 1) discloses a parking lock mechanism with a roller bearing outer race (9) and an axially displaceable body (23) engageable with the end face (20) of a gear (22) with a pin connection (21). Kummich lacks the teaching of the gearing being on the end face of the outer race of the bearing. It would have been obvious to one of ordinary skill in the time the invention was made to make the gearing (20) and outer race of the bearing (9) of one piece, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

10. Claims 3, 4, and 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kummich ('020) in view of Buch et al. ('072).

Kummich discloses all the limitations of claims 3, 4, and 7, but lacks the teaching of an X-arrangement bearing pair. Buch et al. (Fig. 1) discloses an X-arrangement roller bearing pair on a transmission shaft for absorbing axial loads. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kummich such that it had an X-arrangement roller bearing pair, in view of Buch, to absorb axial loads propagating through the driveline.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kummich in view of Buch as applied to claims 3 and 4 above, and further in view of Yarnell ('719).

Kummich in view of Buch discloses all the limitations of claim 5, but lacks any specific disclosure of the transmission housing including a light metal casted part.

Art Unit: 3681

Yarnell teaches a transmission housing made of a casted aluminum material. It would have been obvious to one of ordinary skill in the art at the time of this invention to modify Kummich in view of Buch such that the housing was a light metal casted part, in further view of Yarnell, since it was known in the art to use such a material.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Zenker '291, Smith '355, and Wallace '502 all disclose transmissions with gearings having a bearing.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Williams whose telephone number is 703-305-0607. The examiner can normally be reached on Mon. - Fri. from 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

EMW
January 23, 2003



RODNEY H. BONCK
PRIMARY EXAMINER
ART UNIT 3681